

Stidd
10/605,176

REMARKS

This amendment is in response to the Final Office Action dated May 30, 2008 and in connection with the Request for Continued Examination being filed herein.

Claims 54, 56, and 58-61 were rejected as being unpatentable over Chumley, U.S. Patent number 5,609,350 in view of Young, U.S. Patent number 6,336,783 and Hahn, U.S. Patent number 6,092,970.

Churnley '350 discloses a two wheeled trailer connected by a hitch to a pulling vehicle. The trailer carries a small vehicle such as an ATV and carries the front wheels of another vehicle (see Figs. 11 and 12) using a pivoted U-shaped frame balanced on the wheel axis of the trailer. This is the only one of the three references with a hitch and is incapable of adjusting loads on the hitch since the U-shaped frame is balanced on the wheel axis. It is previously noted that Applicant's claim 1 calls for the swivel plate to be moved longitudinally to adjust the load on the hitch.

Young '783 has a wheel lift apparatus connected to the underside of a tiltable bed of a truck for extending and supporting the front wheels of a disabled vehicle for towing. The bed of the vehicle is tiltable so that presumably a vehicle can be carried on the bed as well as towing the disabled vehicle. There is no hitch disclosed in this reference. The reference was cited for what the Examiner describes as a "swivel plate (generally 70)".

In contrast, Applicant's Claim 54 calls for a swivel plate which both pivots about a vertical axis and also is adjustable along a longitudinal axis "to adjust loads on said hitch".

But in Young '783, the so-called swivel plate "generally 70" is not a plate at all (see Fig. 5 of Young '783) but is instead a U-shaped wheel lift frame at the end of a boom 71 (see column. 7 of the text of the specification of Young '783) for supporting two wheels of a vehicle being towed.

In Applicant's invention, however, swivel plate 75 (see Applicant's Fig. 4) is an actual plate with an opening for the illustrated pivot bolt 72 and spaces on the side for two wheels of the vehicle being towed. The significance of the difference between a plate

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in the present invention and the U-shaped wheel lift frame of the Young '783 reference is that, in the present invention of Applicant Robert Stidd, the swivel plate 75 is in addition to being rotatable about a vertical axis; the vertical axis itself is movable longitudinally along a base plate 100 (see Fig. 2) with the swivel plate on top being adjustable longitudinally, so that pivot bolt 72 can be moved between shown holes 47 in the base plate 100, to adjust the load on the hitch due to balancing forces around the wheel axis of the trailer. A U-shaped wheel lift frame structure as illustrated in Young '783 is not capable of doing this.

Hahn '970 has a manually positioned wheel chocking apparatus and was cited for the movement of plate 42 along and underlying plate having holes. The Examiner fails to explain how and where these plates would be used in any of the other references since neither Chumley '350 or Young '783 has a plate in which the teachings of Hahn '970 can be incorporated. In addition, in its entirety Hahn '970 is not used as a vehicle transporting device nor is the movement of the plate 42 on the underlying plate used as a load weight adjusting member.

In any event, it should be pointed out that there is no teaching or suggestion in any of the applied references for proportionally adjusting the entire trailer load weight between the hitch and the trailer, an important consideration in the present invention as explained in par. 0007 and elsewhere in the printed publication of the present application.

The present proposed amendment would add to method claim the expression "for adjusting a load on said hitch". Since this language appears in claim 1, it is believed that no new issues are raised and the amendment should be entered.

In view of the foregoing, it is urged that the final rejection be withdrawn and the application be passed to issue.

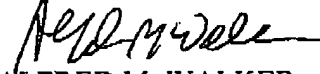
The Examiner is requested to call the undersigned if further changes are required to obtain allowance of the application.

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A favorable action is solicited.

August 14, 2008

Respectfully submitted,


ALFRED M. WALKER
Attorney for Applicant
Reg. No. 29, 983
225 Old Country Road
Melville, NY 11747-2712
631-361-8737

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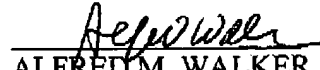
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I certify that the above amendment has been filed by fax to 571-273-8300 on the date indicated below:

August 14, 2008


ALFRED M. WALKER